

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

ROBERT FINLEY,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 11-220V

Special Master Christian J. Moran

Filed: July 15, 2013

Attorneys' fees and costs; stipulation of
fact; award in the amount to which
respondent does not object

Isaiah R. Kalinowski, Maglio Christopher & Toale, Sarasota, FL, for Petitioner;
Lisa A. Watts, United States Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

Petitioner, Robert Finley, filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter on May 24, 2013. Previously, Mr. Finley informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioner's application, respondent raised objections to certain items. Based on subsequent discussions, petitioner amended his application to request \$27,673.50, an amount to which respondent does not object. The Court awards this amount.

Mr. Finley filed for compensation alleging that he was injured by the hepatitis B vaccine he received on March 5, 2010. Mr. Finley received compensation based upon the parties' stipulation. Decision, filed Nov. 16, 2012. Because Mr. Finley received compensation, he is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Mr. Finley seeks a total of **\$27,673.50** in attorneys' fees and costs for his counsel. According to the stipulation of fact concerning attorneys' fees and costs, petitioner incurred no out-of-pocket litigation expenses while pursuing this claim.² Respondent has no objection to the amount requested for attorneys' fees and costs.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

After reviewing the request, the Court awards a check made payable to petitioner and petitioner's attorney in the amount of **\$27,673.50** for attorneys' fees and other litigation costs. The Court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.³

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² On June 19, 2013, petitioner's counsel was ordered to file a statement in compliance with General Order #9 or a status report regarding his efforts to obtain said statement. Petitioner's counsel filed a status report on July 8, 2013, in which he states that he sent petitioner a "Statement Regarding Payment of Fees and Costs" in compliance with General Order #9 on February 7, 2013. Thereafter, petitioner's counsel re-sent the draft statement on multiple occasions and attempted to contact petitioner by telephone. Petitioner's counsel states that petitioner has not responded to any of the communications.

³ Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.